

REMARKS

This amendment is in response to the Office Action dated March 19, 2008. Because this response is mailed on July 8, 2008 with a one-month extension of time, the amendment is timely filed.

I. Status of the Amendments

Claims 8-12 and 14 were pending prior to this amendment. By this amendment, claim 8 has been amended, and claim 14 has been canceled without prejudice to refile. As a consequence, claims 8-12 are presently pending. No additional fee is required.

Support for the amendments to claim 8 may be found in Figs. 1 and 3B, for example.

II. Interview Summary

On June 19, 2008, the undersigned telephonically interviewed the examiner in regard to the above-mentioned application. The examiner issued an Interview Summary in this regard on June 23, 2008. Applicant has reviewed the Interview Summary, and is generally in agreement: (i) proposed claim 8 was discussed relative to U.S. Patent No. 5,996,440 to Nawata et al., (ii) the examiner raised issues regarding support and clarity relative to proposed claim 8, and (iii) no agreement was reached.

The undersigned, however, was left with a different impression of the discussion regarding further rewording of claim 8. The undersigned and the examiner did discuss rewording of claim 8 to address the examiner's support and clarity objections, but the undersigned does not believe that any particular language was agreed to by the parties, as may be suggested by the Interview Summary. While the applicant does not concede the issue of support for the use of "wall," noting as the undersigned did during the interview that support need not be *in haec verba* in the text but may be found in the drawings as well (see, e.g., *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1565 (Fed. Cir. 1991)), applicant has amended claim 8 to refer to the "U-shaped pedal block including a leg" in which the "opening" is defined. Applicant believes that this should resolve any issues relating to

support or clarity that the examiner may have had after the conclusion of the interview, and has the added benefit that the pedal block is already called out in the drawings (element 1).

III. Response to March 19 Office Action

Claims 8-12 and 14 were rejected under 35 U.S.C. 102(b) as allegedly anticipated by U.S. Patent No. 5,996,440 (referred to as “Nawata”). Applicant responds as follows.

Claim 1, as amended, recites a pedal security system for pedal mounting, particularly in motor vehicles. The pedal security system includes a pedal rotatably mounted by means of a pedal axis, and a U-shaped pedal block including a leg having defined therein an opening for receiving and retaining the pedal axis, a slot adjacent to the opening, and lateral walls. The lateral walls include a first lateral wall that completely separates the opening and the slot and at least a second lateral wall that extends longitudinally within the slot between a first end and a second end and supports the first lateral wall. The pedal axis engages the first lateral wall and breaks the first lateral wall by exceeding a mechanical limit loading of the pedal axis, whereby the slot receives the pedal axis.

Initially, applicant notes that Nawata, as applied in the March 19 Office Action, does not disclose each and every limitation of the claimed invention. For example, the allegedly corresponding opening is formed in a structure separate and apart from the structure in which the allegedly corresponding slot is formed. In particular, the unnumbered opening that allegedly corresponds to the claimed opening is formed on the pedal 130 of Nawata, as stated on page 2 of the Action. By contrast, the slot 168A that allegedly corresponds to the claimed slot is formed in link 142. As a consequence, the limitation in amended claim 1 that a leg have defined therein the opening and the slot cannot be met by the structures identified in the March 19 Office Action.

Furthermore, the structures 168C that have been identified as allegedly corresponding to the first lateral wall do not, in fact, disclose each and every limitation of the amended claim 1. In particular, the structures 168C do not completely separate the identified allegedly corresponding opening and the allegedly corresponding slot, or any other spaces that might be identified for the opening and slot, considering that the structures 168C only extend partially into the allegedly corresponding slot. Furthermore, there are no structures identified

as corresponding to the second lateral walls that extend longitudinally within the slot and support the first lateral wall, nor can there be any such structures identified as no structures extend within the allegedly corresponding slot at all.

As a consequence, Nawata does not anticipate claim 8, and the rejection should be withdrawn.

As for the rejections of claims 9-12 that depend directly or indirectly from claim 8, these rejections are based on the application of Nawata to claim 8. As shown above, Nawata does not anticipate or render unpatentable claim 8. At least for this reason, the rejections of claims 9-12 should be withdrawn.

Applicant also respectfully wishes to comment on certain statements made at pages 5 and 6 of the March 19 Office Action. While the examiner accepts the drawings, the examiner cites 35 U.S.C. 113 and 37 C.F.R. 1.81(d). If the examiner believes that a rejection should be made, applicant welcomes the opportunity to respond. However, if the examiner accepts the drawings, then it should be unnecessary to cloud the acceptance with reference to these sections. Clarification is requested.

In view of the foregoing, it is respectfully submitted that all of the pending claims of the above application are in condition for allowance, and reconsideration is respectfully requested. If there is any matter that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below. In any event, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 13-2855, under Order No. 30607/40513.

Dated: July 8, 2008

Respectfully submitted,

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